

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|   |   |                                    |
|---|---|------------------------------------|
| SEHU KESSA SAA TABANSI,                 | ) | 1:15cv261                          |
|   | ) | Electronic Mail                    |
| Plaintiff,                              | ) |                                    |
|   | ) | Judge David Stewart Cercone        |
| v.                                      | ) | Magistrate Judge Lisa Pupo Lenihan |
|   | ) |                                    |
| SCI FOREST J-BLOCK RHU, <i>et al.</i> , | ) |                                    |
|   | ) |                                    |
| Defendants.                             | ) |                                    |

**MEMORANDUM ORDER**

This case was commenced on October 30, 2015, with Plaintiff's filing of a Motion for Leave to Proceed *in forma pauperis* ("IFP"). (ECF No. 1.) The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

On November 19, 2015, Magistrate Judge Lenihan filed a Report and Recommendation wherein she recommended that Plaintiff's IFP Motion be denied in accordance with 28 U.S.C. § 1915(g), and that this action be dismissed without prejudice to Plaintiff's right to reopen it by paying the full \$400.00 filing fee. (ECF No. 2.) Plaintiff was advised that written objections to the Report and Recommendation were to be filed within 14 days of the date of service. On November 27, 2015, Plaintiff filed a Motion for Emergency Temporary Restraining Order and Emergency Video Conference. (ECF No. 3.) However, the Report and Recommendation that was mailed to Plaintiff at his address of record was returned to the Court on December 9, 2015 with a hand written message on the envelope stating that the inmate name and number do not

match. Although not identified anywhere in his Complaint, the Court is aware that Sehu Kessa Saa Tabansi is an alias for Alfonso Percy Pew. The Court therefore assumed that the Report and Recommendation was returned because the name Sehu Kessa Saa Tabansi has no corresponding inmate number, and the DOC requires that an inmate's name and number match for mail to be delivered to the inmate. **Although the Court had no obligation to do so**, it took it upon itself to remail the Report and Recommendation to Plaintiff under his real name, Alfonso Percy Pew, and, on January 7, 2016, Plaintiff filed Objections to the Report and Recommendation. (ECF Nos. 5 & 6.)

In his Objections, Plaintiff attacks the Magistrate Judge's finding that he has not met the threshold showing of imminent danger of serious physical injury in order to avail himself of the "imminent danger" exception to § 1915(g)'s preclusive effect. This Court has reviewed the Objections and concludes that the Report and Recommendation correctly analyzes the issues and makes a sound recommendation. Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and Plaintiff's Objections thereto, the following order is entered:

**AND NOW**, this 13<sup>th</sup> day of January, 2016,

**IT IS HEREBY ORDERED** that the Motion for Leave to Proceed *in forma pauperis* (ECF No. 1) is **DENIED** without prejudice. Plaintiff may reopen this case by paying the full \$400.00 filing fee.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Emergency Temporary Restraining Order and Emergency Video Conference (ECF No. 3) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 2) is affirmed and adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



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David Stewart Cercone  
United States District Judge

cc: Sehu Kessa Saa Tabansi  
BT-7263  
SCI Forest  
P.O. Box 945  
Marienville, PA 16239

*(Via CM/ECF Electronic Mail)*